

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
)	No. 3:06-CR-166-003
V.)	(VARLAN/GUYTON)
)	
)	
WILLIAM LARRY CUMMINGS)	

MEMORANDUM AND ORDER

The defendant appeared on a Petition for Action on Conditions of Pretrial Release. Cynthia Davidson, Assistant United States Attorney, was present representing the government and Russell T. Greene was present representing the defendant.

The defendant was released pursuant to an Order Setting Conditions of Release on February 1, 2007. Conditions of defendant's release included that he appear at all proceedings as required; not commit another federal, state, or local crime while on bond in federal court; immediately advise the Court, defense counsel, and the United States Attorney in writing of any change in residence; seek employment; refrain from possession of a firearm; refrain from any use of alcohol; refrain from use or possession of illegal drugs; submit to drug testing; participate in substance abuse therapy; report any contact with law enforcement; and reside and follow all the rules and regulations of Midway.

A petition for action on conditions of pretrial release has been filed by defendant's pretrial services officer on February 5, 2007, stating the following violation: that the defendant reside at Midway Rehabilitation Center. On February 3, 2007, at 5:50 a.m., the defendant was allowed outside of Midway for a 10 minute cigarette break. He was seen getting into a waiting dark blue vehicle that sped away from the facility. At the 18 U.S.C. § 3148 hearing on July 13,

2007, Russell Greene, counsel for the defendant, stated that the defendant wished to waive his right to a revocation hearing and signed the appropriate waiver.

Accordingly, this Court finds that pursuant to 18 U.S.C. § 3148, there is probable cause to believe that the defendant committed a Federal, State, or Local crime while on release and that there is clear and convincing evidence that the defendant has violated any other conditions of release. The Court also finds that there no conditions or combination of conditions of release will assure that the defendant will not flee or pose a danger to the safety of another person and that the defendant is unlikely to abide by any conditions or combination of conditions of release. Therefore, the Order Setting Conditions of Release is hereby **REVOKED** and the defendant is remanded to the custody of the United States Marshal pending his trial on **September 25, 2007, at 9:00 a.m.**, before the **Honorable Thomas A. Varlan**, United States District Judge. His appearance bond is hereby **CANCELLED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge